

REMARKS

Claims 1-5 and 7-17 are pending in this application.

The examiner has reopened prosecution in this application but has repeated the rejection of claims 1-5 and 7-17 under 35 U.S.C. §103(a) as being unpatentable over Dying et al. in combination with either Matsumoto et al. or Tanner et al. This rejection is again traversed for the reasons advanced in the applicants' brief on appeal. As previously noted, the present claims are drawn to a composition comprised of a copolymer and an inorganic UV filter. The particular copolymer used in this composition gives a synergistic effect when combined with the inorganic UV filter. This fact is both unexpected and beneficial. The copolymer is made by free-radical initiated solution polymerization of an N-vinylimidazole or diallylamine monomer together with at least one other neutral or basic water-soluble monomer (and other optional ingredients).

The Dying reference discloses copolymers of a cationic or quaternizable monomer and a bi- or polyfunctional monomer (together with other optional monomers) produced by radical initiated copolymerization. These crosslinked polymers give "excellent conditioning properties without ... build-up" when "added to shampoos" (Dying, abstract). The examiner's characterization of the prior art, especially the Dying disclosure, is not well taken. The Dying disclosure is clearly directed to "shampoo", and no finding that the term "cosmetic" has been used, even if true, renders this disclosure suggestive of anything except "shampoo". The examiner's reference to Dying at page 6, lines 3-4 is inapt because this sentence simply acknowledges that the person of ordinary skill in this art may apply the disclosed compositions in any one of several

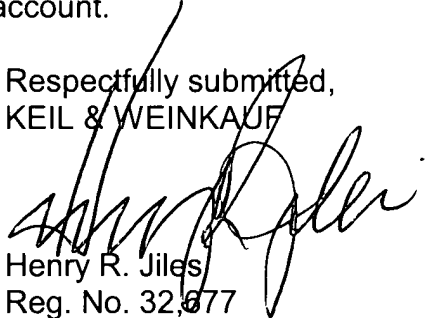
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forms, i.e., sprays, gels, etc. The context of the Dying disclosure does not support any "cosmetic" except that of shampoo. Therefore, there would be no suggestion to add UV filter to the compositions disclosed by Dying et al. This especially true in view of the patentees' desire to avoid buildup. Favorable reconsideration is solicited.

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
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